

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUAH MICHAEL HERT,

Defendant.

CR 18–154–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on March 28, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. §

636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Joshua Michael Hert’s guilty

plea after Hert appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to a prohibited person in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) as charged in the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 26), and I adopt them in full.

Accordingly, IT IS ORDERED that Joshua Michael Hert's motion to change plea (Doc.17) is GRANTED and Joshua Michael Hert is adjudged guilty as charged in the Indictment.

DATED this 12th day of April, 2019.



Dana L. Christensen, Chief District Judge
United States District Court